

Myslyvyy V. Co-infliction in crime

The article deals with problem of joint criminal behavior of several subjects in reckless crimes.

The author has exposed the genesis of discussion approaches concerning co-operation in domestic and foreign doctrine, as well as examples of co-infliction in crimes in terms of scientific and technological progress, confirmed by judicial practice. He has noted a spread of crimes with signs of co- infliction in the area of traffic, characterized by the guilt of several vehicles' drivers. He has argued that the criminal law and judicial practice artificially divide these acts into several reckless crimes. Such an approach leads to an objective attitude to accuse one person for the result of criminal negligence behavior of other actors. He has disproved that there is a position in theory and court practice that only one person can be guilty of a road traffic crime.

There is the critical analysis of the recommendation of the Supreme Court of Ukraine regarding the practice of courts to apply legislation on road traffic offenses concerning the criminal liability of two or more drivers who have caused an emergency. Taking into account the theory, expert and judicial practice, the author has made the analysis of the concept «emergency situation» as an indication of the objective side of these crimes and its significance for co-infliction.

He has concluded that co-infliction in a crime should be regulated by criminal law which in the theoretical and applied aspects requires the definition of: doctrinal principles of the institution of co-infliction; the concept of co-infliction in a crime and its features; forms of reckless co-infliction; types of participants in co-infliction; delimitation of co-infliction from complicity in a crime; peculiarities of criminal liability of subjects of infliction and their punishment; system of rules concerning co-infliction in a crime for introduction into criminal legislation.

Key words: crime, criminal liability, criminal negligence, co-infliction in crime.